

SENATE No. 2099

The Commonwealth of Massachusetts

PRESENTED BY:

Jennifer L. Flanagan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Ensuring continuity of care for patients taking prescription medicines.

PETITION OF:

NAME:

Jennifer L. Flanagan

DISTRICT/ADDRESS:

Worcester and Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT ENSURING CONTINUITY OF CARE FOR PATIENTS TAKING PRESCRIPTION MEDICINES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Notwithstanding the provisions of any general or special law, regulation or requirement to the
2 contrary, a health insurance policy or health care service plan contract, that covers prescription drugs shall
3 not limit, reduce, or deny coverage for any drug, if prior to the limitation, reduction, or denial of
4 coverage:

5 (1) the insured was using the drug;

6 (2) the insured was covered under the policy or contract; and

7 (3) the drug was covered under the policy or contract.

8 A limitation, reduction, or denial of coverage includes removing a drug from the formulary or
9 other drug list, imposing new prior authorization or other utilization management tools, or placing the
10 drug on a formulary tier that increases the patient's cost sharing obligations or otherwise increases the
11 patient's cost sharing obligations.

12 Nothing in this provision shall prohibit an insurer from making uniform changes in its benefit
13 design that applies to all covered drugs or from increasing cost-sharing obligations merely due to a
14 percentage coinsurance payment that necessarily increases with an increase in the underlying drug prices.